

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA****SUPERSEDING PETITION FOR WARRANT OR SUMMONS FOR
OFFENDER UNDER SUPERVISION**

Offender Name: Francisco Medina CASTENEDA

Docket Number: 2:00CR00167-01

Offender Address: 1728 East Avenue
Stockton, California 95205

Social Security No.: 551-55-5554

Judicial Officer: Honorable Lawrence K. Karlton
United States District Judge
Sacramento, California

Original Sentence Date: 12/12/2000

Original Offense: 18 USC 922(g)(1)-Felon in Possession of a Firearm (Count 3)
(Class C Felony)

Original Sentence: 46 months imprisonment; 36 months supervised release

Special Conditions: Warrantless search; Drug treatment program; Participate in program
of testing; Co-pay of \$5.00 month for treatment

Other Court Action:

02/19/2004: Original petition filed alleging 3 charges of new law violation conduct.

Type of Supervision: Supervised Release

Supervision Commenced: 07/25/2003

Assistant U.S. Attorney: Richard J. Bender **Telephone:** (916) 554-2700

Defense Attorney: Julian G. Macias **Telephone:** (916) 498-5700

RE: **Francisco Medina CASTENEDA**
Docket Number: 2:00CR00167-01
SUPERSEDING PETITION FOR WARRANT OR SUMMONS FOR
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PETITIONING THE COURT

[X] **OTHER:** Vacate Form 12C Petition/Warrant Request filed and issued on February 19, 2004, and recall warrant pursuant to **U.S. v. Vargas-Amaya**, 389 F.3d 901, 2004, WL 2650821(9th Cir. 2004).

The probation officer alleges the offender has violated the following condition(s) of supervision:

Charge Number Nature of Violation

Charge 1: THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL CRIME

On or about November 18, 2003, to December 9, 2003, Francisco M. Casteneda conspired with others to distribute and possess with the intent to distribute at least 50 grams of cocaine base, at least 5 grams of methamphetamine, and a detectable amount of cocaine, in violation of 21 USC 846 & 841(a)(1).

Charge 2: THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL CRIME

On or about December 9, 2003, Francisco M. Casteneda, did knowingly and intentionally possess with the intent to distribute at least 50 grams of cocaine base, in violation of 21 USC 841(a)(1).

Charge 3: THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL CRIME

On or about December 9, 2003, Francisco M. Casteneda, did knowingly and intentionally possess with the intent to distribute at least 5 grams of methamphetamine, in violation of 21 USC 841(a)(1).

Justification: Mr. Casteneda (age 26) recently released from prison after being convicted of a Felon In Possession of a Firearm. He is a reported Norteno Gangster Rule gang member, and has a previous conviction in 1996 for purchase of cocaine base for sale, for which he is on state parole.

On December 9, 2003, Mr. Casteneda was arrested by the Stockton Police Department on charges of possession and manufacturing of narcotics. On December 18, 2003, a 7-Count federal indictment was returned by the Grand Jury. Mr. Casteneda was named in three of the seven counts, which are the charges noted above. In summary, Mr. Casteneda and three other co-defendants were arrested after agents recovered approximately 45.58 grams of methamphetamine, along with approximately 104.88 grams of cocaine base and two pistols, during a search warrant of Mr. Casteneda's reported residence.

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This matter is pending before District Judge Morrison C. England, Jr., of the Eastern District of California, under Docket No. 2:03CR00549.

Considering Mr. Casteneda's criminal history and recent arrest conduct, he is considered a danger to others in the community.

Bail/Detention: Based on the above, a no-bail warrant is respectfully recommended to be lodged as a detainer, as is continued detention of the releasee pending further court hearings.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

/s/ Scott W. Storey

SCOTT W. STOREY
United States Probation Officer
Telephone: (916) 683-3323

DATED: May 5, 2005
Elk Grove, California
SWS:kms

Reviewed by: /s/ Joe E. Glaspie
JOE E. GLASPIE
Assistant Deputy Chief United States Probation Officer

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THE COURT ORDERS:

- ☐ **The Issuance of a warrant.** ☐ **Bail set at \$_____** ☐ **No Bail**
- ☐ **The Issuance of a summons (copy to Defense Counsel).**

xx **Other:** Vacate Form 12C Petition/Warrant Request filed and issued on February 19, 2004, and recall warrant pursuant to **U.S. v. Vargas-Amaya**, 389 F.3d 901, 2004 WL 2650821 (9th Cir. 2004).

FURTHER PROCEEDINGS REGARDING CUSTODY:

- ☐ **Defendant is ordered detained, to be brought before District Judge forthwith.**
- ☐ **Initial appearance and detention hearing before Magistrate Judge**

May 5, 2005.
Date

/s/Lawrence K. Karlton
Signature of Judicial Officer

cc: United States Probation
Richard J. Bender, Assistant United States Attorney
United States Marshal

Attachment: PSR (Sacramento only)